

STATEMENT OF PURPOSE

RS19441

This bill would prohibit Idaho employers from hiring persons who are illegally in the United States. Immigration issues are rightfully the responsibility of the federal government. This legislation conforms with the federal Immigration Reform and Control Act of 1986 (IRCA) where the federal government provides criminal and monetary penalties to employers for hiring persons who are illegally in the United States. The IRCA carves out an area where the States can address this issue of illegal alien employment. Specifically the IRCA states at 8 USC 1324 (h)(2):

"(2) Preemption. The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens."

If enacted, this legislation will allow for Idaho employers to be fined and have their state, county or city licenses suspended for knowingly employing illegal aliens. Professional licenses are excluded from the legislation. If a court determines that an employer has knowingly misclassified a worker as legal, the court shall enter a judgment in favor of the state in the amount of \$50.00 per day per misclassified employee up to a maximum of \$50,000.00. In addition, for a first offense of knowingly violating this legislation, as established by a court, a license will be suspended for 15 days. For a second offense the license will be suspended for one year (1) year. For a third offense the license will be permanently revoked.

This legislation provides that the state tax commission shall notify all Idaho employers who withhold taxes of the new provisions of this legislation

This legislation defines, prohibits and classifies as a felony the trafficking and harboring of illegal aliens by individuals and employers, the penalties of which range from a fine of \$1,000.00 and 1 year imprisonment to twenty years imprisonment where the crime causes serious bodily injury or placed the life of any person in jeopardy.

It also prohibits the issuance of a driver's license to an illegal alien who has been issued a driver's license from another state, nor provides for the honoring of a drivers license issued to an illegal alien by another state. This legislation also would compel the written portion of the test required to obtain an Idaho state drivers license to be administered solely in the English language without benefit of translators.

This legislation makes the E Verify online computer program operated by the Department of Homeland Security mandatory for use by all Idaho employers during the hiring process of all new employees.

The legislation defines a "Sanctuary City" as a city that does not enforce the provisions of this legislation. Any city determined to be a "Sanctuary City" will be ineligible to receive moneys provided through grants administered by the state.

FISCAL NOTE

This legislation, if enacted, will be enforced primarily by the counties. The state attorney general will also have enforcement authority. The legislation's financial impact to the state will be that of the man hours required by the attorney general's office to enforce the act. The state tax commission will also have to mail out a notice to all Idaho employers. This notice can be included with other mailings. The organization Federation for American Immigration Reform (FAIR) estimates that the cost of illegal aliens to all governmental levels of government in Idaho will be \$148,000,000 for the year 2010. Implementation of this legislation can be expected to greatly reduce these costs.



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